

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Zhaoxi Bu et al.	Art Unit	: 2142
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Title	: AUTOMATIC USER SESSION		

Mail Stop Appeal Brief - Patents

Commissioner for Patents
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BRIEF ON APPEAL

(1) Real Party in Interest

AOL LLC, formerly known as America Online, Inc., is the real party in interest.

(2) Related Appeals and Interferences

There are no related appeals or interferences.

(3) Status of Claims

Claims 1, 2, 5-22, 24-28 and 30-41 are pending, of which claims 1, 22, and 27 are independent. Claims 3, 4, 23, and 29 have been previously cancelled. All pending claims have been rejected, and all pending claims are being appealed.

(4) Status of Amendments

No amendments to the claims have been filed after the Final Office Action dated November 9, 2006.

(5) Summary of Claimed Subject Matter

The subject matter of independent claims 1, 22, and 27 may be employed to execute an automatic access session during which electronic data (e.g., e-mails, newsgroup postings, message board postings, etc.) for each of multiple user accounts (e.g., screen names) that are all related to one subscriber of an Online Service Provider (OSP) (e.g., AOL) is automatically retrieved and/or transferred over a single physical connection between the subscriber's client computer and the OSP. See, e.g., Application at Abstract, page 2, lines 5-10.

For example, aspects of a non-limiting implementation that is described in the Application are reiterated below for orientation purposes. In it, a subscriber of an OSP having (or being associated with) more than one account (e.g., screen name) may make use of an automatic access feature to automatically access and retrieve information that then may be considered offline "for all screen names [of (or associated with) the subscriber] using a single physical connection. This is in contrast to requiring a separate physical connection for each screen name, or to requiring a user to manually initiate the automatic access feature for one screen name, manually switch to a different screen name, and then manually initiate the automatic access feature for the different screen name." Application at page 2, lines 5-10.

More particularly, during an automatic access session, a subscriber's client computer may automatically establish a connection with the OSP (i.e., "go online"). See, e.g., Application at page 16, line 22 to page 17, line 3. Thereafter, the subscriber's client computer may automatically establish a communication session for a first account (e.g., screen name) of the subscriber over the connection with the OSP. See, e.g., Application at page 17, lines 4-17. During this communication session for the first account of the subscriber, electronic data associated with the first account may be downloaded from the OSP to the subscriber's client computer and/or electronic data associated with the first account may be uploaded from the subscriber's client computer to the OSP. See, e.g., Application at page 17, lines 4-27. For example, unread e-mails, newsgroup postings and/or message board postings associated with the first account may be downloaded from the OSP to the subscriber's client computer and/or e-mails, newsgroup postings and/or message board postings that are associated with the first account and that were generated while the subscriber's client computer was not connected to the OSP (e.g., when the client computer was offline) may be uploaded from the subscriber's client computer to the OSP. See, e.g., Application at page 17, lines 4-27. While maintaining the same connection with the OSP, the subscriber's client computer also may automatically establish a communication session for a second account (e.g., screen name) of (or associated with) the subscriber, during which electronic data associated with the second account may be downloaded from the OSP to the subscriber's client computer and/or electronic data associated with the second account may be uploaded from the subscriber's client computer to the OSP. See, e.g., Application at page 17, line 28 to page 18, line 8. For example, unread e-mails, newsgroup

postings and/or message board postings associated with the second account may be downloaded from the OSP to the subscriber's client computer and/or e-mails, newsgroup postings and/or message board postings that are associated with the second account and that were generated while the subscriber's client computer was not connected to the OSP (e.g., when the client computer was offline) may be uploaded from the subscriber's client computer to the OSP. Thereafter, if the subscriber has (or is associated with) a third account (e.g., screen name), the subscriber's client computer may automatically establish, over the same connection with the OSP, a communication session for the third account, during which electronic data associated with the third account may be downloaded from the OSP to the subscriber's client computer and/or electronic data associated with the third account may be uploaded from the subscriber's client computer to the OSP. See, e.g., Application at page 18, lines 10-12. In this manner, communication sessions with any number of accounts of (or associated with) the subscriber may be established over the same connection with the OSP and electronic data associated with any number of accounts of (or associated with) the subscriber may be downloaded from the OSP to the subscriber's client computer and/or uploaded from the subscriber's client computer to the OSP. See id.

As indicated, the above discussion is intended to quickly orient as to how use of the subject matter related to independent claims 1, 22, and 27 may be employed to execute an automatic access session during which electronic data associated with each of multiple user accounts (e.g., screen names), which are all related to one subscriber of an OSP, is automatically retrieved and/or transferred over a single physical connection between the subscriber's client computer and the OSP, and, as such, is only an example of how the subject matter related to independent claims 1, 22, and 27 may be employed to execute such an automatic access session and is not intended to limit the scope of the claims.

Bearing this in mind, independent claim 1 is directed to a method of accessing electronic data from a communications system. See, e.g., Application at page 2, lines 5-6; page 16, lines 16-26; and FIG. 6. A connection is established between a client system and a host system using a first account of a user that is maintained by the host system. See, e.g., Application at page 16, lines 16-29; and FIG. 6. In addition, it is determined if one or more additional accounts maintained by the host system are associated with the user. See, e.g., Application at Abstract;

page 2, lines 5-10; page 16, lines 16-26; page 17, lines 28 to page 18, line 2; page 18, lines 10-12; and FIG. 6. After the connection has been established between the client system and a host system, a first communication session that is associated with the first account of the user is initiated between the client system and the host system over the connection between the client system and a host system. See, e.g., Application at page 16, lines 16-26; page 17, lines 4-12; and FIG. 6. Furthermore, based on a determination that one or more additional accounts maintained by the host system are associated with the user, one or more additional communication sessions, each of which is associated with one of the additional accounts associated with the user, are automatically initiated over the same connection. See, e.g., Application at page 16, lines 16-26; page 17, lines 28-31; and FIG. 6. Finally, in response to automatically initiating the one or more additional communication sessions between the client system and the host system, a transfer of electronic data associated with each of the one or more additional accounts to a corresponding designated destination is enabled for each of the one or more additional accounts. See, e.g., Application at page 16, lines 16-26; page 17, line 31 to page 18, line 8; and FIG. 6.

Independent claim 22 is directed to a computer program product that is tangibly embodied in a computer-readable medium. The computer program product includes instructions that, when executed, cause a computer to establish a connection between a client system and a host system using a first account of a user that is maintained by the host system. See, e.g., Application at page 16, lines 16-29; and FIG. 6. The computer program product also includes instructions that, when executed, cause a computer to determine if one or more additional accounts that are maintained by the host system are associated with the user. See, e.g., Application at Abstract; page 2, lines 5-10; page 16, lines 16-26; page 17, lines 28 to page 18, line 2; page 18, lines 10-12; and FIG. 6. In addition, the computer program product includes instructions that, when executed, cause a computer to initiate a first communication session that is associated with the first account of the user between the client system and the host system over the connection between the client system and the host system. See, e.g., Application at page 16, lines 16-26; page 17, lines 4-12; and FIG. 6. Furthermore, the computer program product includes instructions that, when executed, cause a computer to automatically initiate, based on a determination that one or more additional accounts maintained by the host system are associated with the user, one or more additional communication sessions between the client system and the

host system over the same connection between the client system and the host system, each of the one or more additional communication sessions being associated with the one or more additional accounts associated with the user; and See, e.g., Application at page 16, lines 16-26; page 17, lines 28-31; and FIG. 6. Finally, the computer program product includes instructions that, when executed, cause a computer to enable, in response to automatically initiating the one or more additional communication sessions between the client system and the host system and for each of the one or more additional accounts, a transfer of electronic data associated with each of the one or more additional accounts to a corresponding designated destination. See, e.g., Application at page 16, lines 16-26; page 17, line 31 to page 18, line 8; and FIG. 6.

Independent claim 27 is directed to a communications apparatus for accessing electronic data from a communications system. See, e.g., Application at page 2, lines 5-6; page 16, lines 16-26; and FIG. 6. As recited in independent claim 27, the communications apparatus is configured to establish a connection between a client system and a host system using a first account of a user that is maintained by the host system. See, e.g., Application at page 16, lines 16-29; and FIG. 6. The communications apparatus also is configured to determine if one or more additional accounts maintained by the host system are associated with the user. See, e.g., Application at Abstract; page 2, lines 5-10; page 16, lines 16-26; page 17, lines 28 to page 18, line 2; page 18, lines 10-12; and FIG. 6. In addition, the communications apparatus is configured to initiate a first communication session that is associated with the first account of the user between the client system and the host system over the connection between the client system and the host system. See, e.g., Application at page 16, lines 16-26; page 17, lines 4-12; and FIG. 6. Furthermore, based on a determination that one or more additional accounts maintained by the host system are associated with the user, the communications apparatus also is configured to automatically initiate, over the same connection between the client system and the host system, one or more additional communication sessions between the client system and the host system, each of the one or more additional communication sessions being associated with the one or more additional accounts associated with the user. See, e.g., Application at page 16, lines 16-26; page 17, lines 28-31; and FIG. 6. Finally, for each of the one or more additional accounts, the communications apparatus also is configured to enable, in response to automatically initiating the one or more additional communication sessions between the client system and the host

system, a transfer of electronic data associated with each of the one or more additional accounts to a designated destination. See, e.g., Application at page 16, lines 16-26; page 17, line 31 to page 18, line 8; and FIG. 6.

(6) Grounds of Rejection to be Reviewed on Appeal

Claims 1, 2, 5-22, 24-28, and 30-41 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0097331 (Cohen) in view of U.S. Patent No. 6,879,965 (Fung).

(7) Argument

A. The Rejection of Claims 1, 2, 5-22, 24-28, and 30-41 under § 103(a) is Improper Because Cohen and Fung, Taken Alone or in Combination, do not Describe or Suggest All of the Features of Independent Claims 1, 22, and 27

In order to establish a prima facie case of obviousness, all of the features of a claim must be taught or suggested, either expressly or inherently, by the prior art. MPEP § 2143.03 (citing In re Royka, 490 F.2d 981 (CCPA 1974)); MPEP § 2112 (citing In re Napier, 55 F.3d 610 (Fed. Cir. 1995) and In re Grasselli, 713 F.2d 731 (Fed. Cir. 1983)). Cohen and Fung, taken alone or in combination, do not describe or suggest automatically initiating one or more additional communication sessions, each of which is associated with one of the additional accounts associated with the user, between the client system and the host system over the same connection between the client system and the host system based on a determination that one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1. Thus, because Cohen and Fung do not describe or suggest all of the claimed features, these references do not establish a prima facie case of obviousness with respect to claim independent 1.

Specifically, independent claim 1 recites a method of accessing electronic data from a communications system that includes, among other features, establishing a connection between a client system and a host system using a first account of a user maintained by the host system, determining if one or more additional accounts maintained by the host system are associated with the user, initiating a first communication session that is associated with the first account of the

user between the client system and the host system over the connection between the client system and the host system, and, automatically initiating one or more additional communication sessions, each of which is associated with one of the additional accounts associated with the user, between the client system and the host system over the same connection between the client system and the host system based on a determination that one or more additional accounts maintained by the host system are associated with the user.

The Examiner recognizes that Cohen fails to describe or suggest automatically initiating one or more additional communication sessions, each of which is associated with one of the additional accounts associated with the user, between the client system and the host system over the same connection between the client system and the host system based on a determination that one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1. See final Office Action of November 9, 2006 at page 4, lines 3-8. For this deficiency, the Examiner therefore relies on Fung. See final Office Action of November 9, 2006 at page 4, lines 9-12; Advisory Action of February 1, 2007 at Continuation Sheet, lines 8-11; and Advisory Action of May 31, 2007 at Continuation Sheet, lines 10-13.

Fung describes a central Web site that registers a user with one or more remote Web sites that have been manually selected by the user. See, e.g., Fung at Abstract. Thereafter, the central Web site maintains a personalized start page that includes links to the Web sites with which the user has registered. See, e.g., Fung at col. 7, lines 18-56. From the personalized start page, the user can select a link that corresponds to a Web site that the user desires to access, and the central Web site will transparently log the user in to the desired Web site without requiring the user to manually enter his/her log-in information for the desired Web site. See, e.g., Fung at col. 7, lines 18-56.

The Examiner excerpted the following disclosure by Fung: "[t]he central Web site automatically sends the user's login information to the selected Web sites and automatically connects the user to content held at the selected Web sites." Fung at col. 5, lines 49-52. The Examiner advanced that this excerpt amounts to a teaching by Fung of automatically initiating one or more additional communication sessions, each of which is associated with one of the additional accounts associated with the user, between the client system and the host system over the same connection between the client system and the host system based on a determination that

one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1. See final Office Action of November 9, 2006 at page 4, lines 9-12; Advisory Action of February 1, 2007 at Continuation Sheet, lines 8-12; and Advisory Action of May 31, 2007 at Continuation Sheet, lines 10-13. Appellants disagree.

When the sentence excerpted by the Examiner is considered in the context of the entire passage from which it is drawn, it is clear that it does not describe or suggest automatically initiating such communications sessions based on a determination that one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1. In its entirety, the passage from which the sentence relied upon by the Examiner is drawn reads:

Once registered, a user is provided with a personal Web page by the central Web site and the user is able to login to the user's personal Web page, for example, to personalize the Web page or to add new Web sites. In one embodiment, a user can select, on the user's personal Web page, one or more Web sites that the user wishes to join and then click a button to have the central Web site register the user at the selected Web sites. In another embodiment, the user can click on a link to a Web site the user wishes to join provided in the user's personal Web page and the central Web site registers the user at such Web site.

The central Web site transmits the data from the user's registration form to the Web sites that the user chooses and dynamically generates links to those Web sites in the user's personal Web page. The central Web site automatically sends the user's login information to the selected Web sites and automatically connects the user to content held at the selected Web sites. In this way, a user is able to go directly to a "start page" of the user's selected Web site without having to enter any login information.

Fung at col. 5, lines 38-54 (emphasis added). In its entirety, it is clear that this passage describes a process by which a central Web site enables a user to select and subsequently register for one or more other Web sites that the user wishes to join. In particular, the central Web site allows a user to manually select one or more Web sites for which the user would like to create an account by clicking buttons or links on the central Web site.

Interestingly, the excerpted sentence may be interpreted in either of two competing ways, neither of which amounts to a disclosure of automatically initiating one or more additional communication sessions, each of which is associated with one of the additional accounts associated with the user, between the client system and the host system over the same connection between the client system and the host system based on a determination that one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1. Under a first interpretation, disclosure of sending the user's login information to the selected Web sites and automatically connecting the user to the content held at the selected Web sites may be understood to reference the process of receiving a selection of Web sites that the user wishes to join and registering the user with the selected Web sites by sending the user's login information to the selected Web sites. This does not amount to a disclosure of automatically initiating one or more additional communication sessions, each of which is associated with one of the additional accounts associated with the user, between the client system and the host system over the same connection between the client system and the host system based on a determination that one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1.

Under a second interpretation, the disclosure of sending the user's login information to the selected Web sites and automatically connecting the user to the content held at the selected Web sites may be understood to reference the process of receiving selections of Web sites that the user has previously registered with and enabling the user to access the selected Web sites by sending the user's login information to the selected Web sites. This interpretation also fails to describe or suggest automatically initiating one or more additional communication sessions, each of which is associated with one of the additional accounts associated with the user, between the client system and the host system over the same connection between the client system and the host system based on a determination that one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1.

As such, regardless of which interpretation is adopted for Fung's disclosure of sending the user's login information to the selected Web sites and automatically connecting the user to the content held at the selected Web sites, both this excerpted sentence and the passage from which the sentence is drawn make it clear that the user's login information is sent to the selected

Web sites and that the user is automatically connected to the content held at the selected Web sites based on the user's manual selection of the Web sites from the user's personalized home page, not based on a determination that one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1.

Accordingly, for at least these reasons, appellants submit that the sentence relied upon by the Examiner fails to describe or suggest automatically initiating one or more additional communication sessions, each of which is associated with one of the additional accounts associated with the user, between the client system and the host system over the same connection between the client system and the host system based on a determination that one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1.

The final Office Action also cites column 7, line 10 through column 8, line 57 and column 10, lines 5-15 of Fung as disclosing automatically initiating one or more additional communication sessions, each of which is associated with one of the additional accounts associated with the user, between the client system and the host system over the same connection between the client system and the host system based on a determination that one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1. However, these portions of Fung also fail to describe or suggest automatically initiating one or more additional communication sessions, each of which is associated with one of the additional accounts associated with the user, between the client system and the host system over the same connection between the client system and the host system based on a determination that one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1.

At column 7, line 10 through column 8, line 57, Fung describes both "the automated logging in of user information in forms used by a plurality of Web sites through a central Web site location" and the "automated registering of user information at a plurality of Web sites through a central Web site location." Fung at col. 7, lines 10-12 and col. 8, lines 15-17. However, as described by Fung, neither the automated process of logging in user information in forms used by a plurality of Web sites through a central Web site location nor the automated process of registering user information at a plurality of Web sites through a central Web site

location involves automatically initiating one or more additional communication sessions, each of which is associated with one of the additional accounts associated with the user, between the client system and the host system over the same connection between the client system and the host system based on a determination that one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1.

Rather, both the automated process of logging in user information in forms used by a plurality of Web sites through a central Web site location and the automated process of registering user information at a plurality of Web sites through a central Web site location are triggered by manual user selections. For example, Fung describes the automated process of logging in user information in forms used by a plurality of Web sites through a central Web site location as follows:

From the start page, the user can login to any of the Web sites corresponding to link data 210 and listed on the user's start page. . . . Once the user decides which destination Web site the user wants to login to, the user clicks on a link . . . represented as the destination Web site's name on the user's start page 206. The user's ID number and Web site choice 216 are then used, via link servlet 218 and data 212, to retrieve user data and form data 214 from the database 122.

The servlet 218 then dynamically creates and "fills-out" a completed login form 220 based on the user data and form data 214, by merging the user's account data 122a (i.e., username and password for the destination Web site) into the form 220. . . .

. . . . Once this virtual form 220 is completed, the servlet 218 submits the form 220 as a login script 222 to the destination Web site 218, just as if someone filled out the form manually. . . . If the login operation is determined to be successful . . . the servlet 218 presents the corresponding destination Web site start page 206 in a new web browser window or in the user's central Web site start page 206. The user is now logged in to the user's own account at the destination Web site.

Fung at col. 7, line 28 to col. 8, line 10 (emphasis added). Thus, it is again clear that Fung conditions or triggers its automated process of logging in user information in forms used by a plurality of Web sites through a central Web site based on the user's manual selection of a link

from a central Web site, not based on a determination that one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1.

Similarly, Fung describes the automated process of registering user information at a plurality of Web sites through a central Web site location as follows:

[W]hen a user of the central Web site wants to register with any one of many Web sites for which automated registration is offered, the user simply goes, via Web client 102, to a registration Web page at the central Web site. From the registration Web page the user can search a list of sites that have already been catalogued by the form management system. . . .

Once the user has decided at which Web site the user wants to be automatically registered, the user clicks on a link representing that site name.

Fung at col. 8, lines 24-33 (emphasis added). Thus, just like with the automated process of logging in user information in forms used by a plurality of Web sites through a central Web site, Fung clearly describes that the automated process of registering user information at a plurality of Web sites through a central Web site location is triggered by the user's manual selection of a link from a central Web site, not based on a determination that one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1.

Accordingly, for at least the foregoing reasons, appellants submit that Fung does not describe or suggest automatically initiating one or more additional communication sessions, each of which is associated with one of the additional accounts associated with the user, between the client system and the host system over the same connection between the client system and the host system based on a determination that one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1, at column 7, line 10 through col. 8, line 57.

At column 10, lines 5-15, Fung describes a process for activating a user's credit/debit card account for e-commerce transactions only when the user is known to be visiting one or more e-commerce Web sites that are accessible through the user's central Web site. In particular, at column 10, lines 5-15, Fung states:

Every time a user of the central Web site clicks on a favorite link to a favorite e-commerce Web site . . . , software at the central Web

site location simultaneously transmits an "update file," via, for example, encrypted e-mail, secure facsimile, secure wireless communication, secure telephone communication, etc., to the central Web site's co-branded bank(s)/financial institution(s), as the central Web site logs the user into the corresponding favorite e-commerce Web site. This "update file" is used to "activate" the user's online credit/debit card account, but only while the user is visiting one or more favorite Web sites during e-commerce transactions.

Fung at col. 10, line 2-15 (emphasis added). Thus, as described by Fung, when a user selects a link to an e-commerce Web site on the user's central Web page, the central Web page both transparently logs the user in to the e-commerce Web site and sends a communication from the central Web page to the user's bank that activates the user's credit/debit card account. Importantly, however, Fung clearly describes that the automated process of logging the user in to the e-commerce Web site and sending a communication to the user's bank that activates the user's credit/debit card account is triggered by the user's manual selection of a link from the central Web site, not based on a determination that one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1. Moreover, the communication sent by the central Web page to the bank that activates the user's credit/debit card is sent from the central Web page, not from the user's computer. Accordingly, for at least these reasons, appellants submit that Fung does not describe or suggest automatically initiating one or more additional communication sessions, each of which is associated with one of the additional accounts associated with the user, between the client system and the host system over the same connection between the client system and the host system based on a determination that one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1, at column 10, lines 5-15.

For at least the foregoing reasons, appellants submit that the combination of Cohen and Fung fails to support a prima facie case of obviousness with respect to independent claim 1 and its dependent claims, claims 2, 5-21, 28, and 30-41.

Independent claims 22 and 27 recite features similar to those discussed above in connection with independent claim 1 and do so in the context of a computer program product tangibly embodied in a computer-readable medium (claim 22) and a communications apparatus

(claim 27). Accordingly, at least for the reasons discussed above in connection with independent claim 1, appellants submit that the combination of Cohen and Fung fails to support a prima facie case of obviousness with respect to independent claims 22 and 27 and dependent claims 24-26, which depend from independent claim 22.

Therefore, for at least the foregoing reasons, appellants request that the rejection of claims 1, 2, 5-22, 24-28, and 30-41 be reversed.

In both appellants' February 15, 2007 Reply to Final Action of November 9, 2006 and Advisory Action of February 1, 2007 and appellants' March 9, 2007 Pre-Appeal Brief Request for Review, appellants advanced the position articulated above that Fung fails to describe or suggest automatically initiating one or more additional communication sessions, each of which is associated with one of the additional accounts associated with the user, between the client system and the host system over the same connection between the client system and the host system based on a determination that one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1. See, e.g., Reply to Final Action of November 9, 2006 and Advisory Action of February 1, 2007 at page 13, line 3 to page 14, line 21; and Pre-Appeal Brief Request for Review at page 3, line 27 to page 4, line 5. Despite appellants' repeated articulation of appellants' position that Fung fails to describe or suggest automatically initiating such communications sessions based on a determination that one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1, appellants have yet to receive a responsive explanation that attempts to address the arguments articulated, or otherwise explain how Fung is being read to disclose automatically initiating such communication sessions based on a determination that one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1.

While appellants did not expect the April 26, 2007 Notice of Panel Decision from Pre-Appeal Brief Review to include a substantive response to appellants' March 9, 2007 Pre-Appeal Brief Request for Review, appellants were hopeful that the May 31, 2007 Advisory Action, issued in response to appellants' February 15, 2007 Reply to Final Action of November 9, 2006 and Advisory Action of February 1, 2007, would include a substantive explanation of how the Examiner understands Fung to disclose automatically initiating one or more additional

communication sessions, each of which is associated with one of the additional accounts associated with the user, between the client system and the host system over the same connection between the client system and the host system based on a determination that one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1, as this was an issue explicitly raised in appellants' February 15, 2007 Reply to Final Action of November 9, 2006 and Advisory Action of February 1, 2007. Unfortunately, however, the May 31, 2007 Advisory Action seems to ignore the positions advanced by appellants in appellants' February 15, 2007 Reply to Final Action of November 9, 2006 and Advisory Action of February 1, 2007, choosing instead to essentially parrot the same remarks provided in the February 1, 2007 Advisory Action. Compare Advisory Action of February 1, 2007 at Continuation Sheet to Advisory Action of May 31, 2007 at Continuation Sheet.¹

¹ Notwithstanding the different positions advanced in appellants' January 12, 2007 Reply to Action of November 9, 2006 and appellants' February 15, 2007 Reply to Final Action of November 9, 2006 and Advisory Action of February 1, 2007, appellants note that the remarks provided in the May 31, 2007 Advisory Action, which was issued in response to appellants' February 15, 2007 Reply to Final Action of November 9, 2006 and Advisory Action of February 1, 2007, are strikingly similar to the remarks provided in the February 1, 2007 Advisory Action, which was issued in response to appellants' January 12, 2007 Reply to Action of November 9, 2006. Compare Advisory Action of February 1, 2007 at Continuation Sheet to Advisory Action of May 31, 2007 at Continuation Sheet. In fact, the remarks provided in the February 1, 2007 Advisory Action and the remarks provided in the May 31, 2007 Advisory Action are so nearly identical that it appears that the remarks provided in the February 1, 2007 Advisory Action were merely reproduced in the remarks provided in the May 31, 2007 Advisory Action. For example, the remarks provided in both the February 1, 2007 Advisory Action and the May 31, 2007 Advisory Action both contend that Fung discloses one or more additional accounts associated with the user that are maintained by the host system because:

Fung discloses that, "a user of the central Web site can request additional sites (e.g., additional online registration information forms for destination web sites) to be added to the central Web site location at any time" (col. 5, lines 32-34). It is clearly [sic] that one or additional online registration information forms for one or more destination web sites = one or more additional accounts for one or more destination web site sessions are stored in the Central Web Site location (col. 5, lines 46-66).

Advisory Action of February 1, 2007 at Continuation Sheet, lines 4-7; and Advisory Action of May 31, 2007 at Continuation Sheet, lines 6-9. Interestingly, appellants' February 15, 2007 Reply to Final Action of November 9, 2006 and Advisory Action of February 1, 2007 did not set forth arguments that would elicit repetition of this portion. More pointedly, while appellants argued that Fung does not describe or suggest one or more additional accounts associated with the user that are maintained by the host system in appellants' January 12, 2007 Reply to Action of November 9, 2006, appellants did not address this issue in appellants' February 15, 2007 Reply to Final Action of November 9, 2006 and Advisory Action of February 1, 2007. Therefore, because the remarks provided in the Advisory Action of February 1, 2007 and the Advisory Action of May 31, 2007 are so strikingly similar notwithstanding the different positions advanced in appellants' January 12, 2007 Reply to Action of November 9, 2006 and appellants' February 15, 2007 Reply to Final Action of November 9, 2006, appellants are unable to determine whether the positions advanced in appellants' February 15, 2007 Reply to Final Action of November 9, 2006 and Advisory Action of February 1, 2007 were even considered, or whether the May 31, 2007 Advisory Action was issued merely as a matter of course and as a formality.

Therefore, in a final attempt to gain an understanding for how the Examiner understands Fung as disclosing automatically initiating one or more additional communication sessions, each of which is associated with one of the additional accounts associated with the user, between the client system and the host system over the same connection between the client system and the host system based on a determination that one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1, appellants' representative, Andrew Foy, requested a personal interview with Examiner Nguyen before filing this Appeal Brief. Appellants were encouraged that Examiner Nguyen granted the interview request, believing that the interview would help appellants to better understand the Examiner's reading of Fung.

During the July 10, 2007 personal interview conducted between appellants' representative, Andrew Foy, and Examiners Nguyen and Caldwell, appellants' representative pointedly asked Examiners Nguyen and Caldwell to explain how they understood Fung to disclose automatically initiating one or more additional communication sessions, each of which is associated with one of the additional accounts associated with the user, between the client system and the host system over the same connection between the client system and the host system based on a determination that one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1. Yet, no new information was offered. In fact, despite appellants' representative's repeated pleas, Examiners Nguyen and Caldwell provided little insight into how they understood Fung to meet this limitation. Rather, Examiners Nguyen and Caldwell explained that it would be embarrassing if the United States Patent Office (USPTO) allowed a patent application having broad claims that were ultimately found to be invalid and then, without providing any additional gloss, Examiners Nguyen and Caldwell reiterated their conclusory position that Fung's disclosure at column 5, lines 1-67 satisfies this limitation.

As noted above, appellants traverse the rejection of claims 1, 2, 5-22, 24-28, and 30-41 under § 103(a) over Cohen and Fung. The record reflects the rationale used by appellants in its understanding that these sections of Fung are insufficient to disclose the subject limitations. And, the record is without responsive positions by the Office. If only to advance prosecution, appellants again request an express articulation of how Fung is relied upon to disclose

automatically initiating one or more additional communication sessions, each of which is associated with one of the additional accounts associated with the user, between the client system and the host system over the same connection between the client system and the host system based on a determination that one or more additional accounts maintained by the host system are associated with the user, as recited in independent claim 1.

B. The Rejection of Dependent Claims 5-9 under § 103(a) is Improper Because Cohen and Fung, Taken Alone or in Combination, do not Describe or Suggest All of the Features of Dependent Claims 5-9

Appellants submit that dependent claims 5-9, each of which depends from independent claim 1, are allowable on their own merits, in addition to being allowable for the reasons discussed above in connection with independent claim 1.

Independent claim 1 recites that a transfer of electronic data associated with each of one or more additional accounts is enabled for each of the one or more additional accounts in response to automatically initiating one or more communication sessions between the client system and the host system, and that the one or more communication sessions between the client system and the host system are automatically initiated based on a determination that one or more additional accounts maintained by the host are associated with the user. Meanwhile, dependent claim 5 recites that enabling the transfer of electronic data comprises retrieving e-mail. Thus, dependent claim 5, through its dependency from independent claim 1, clarifies that additional communication sessions associated with additional accounts associated with the user are automatically initiated between the client system and the host system and e-mail associated with each of the additional accounts is retrieved based on a determination that the additional accounts are associated with the user.

The Examiner relies on paragraphs [0136], [0147], [0192], [0274], [0277], [0284], [0295], [0298], [0348], [0350], and [0465] of Cohen and column 5, lines 1-67 of Fung in rejecting dependent claim 5. However, none of Cohen, Fung, or any proper combination of Cohen and Fung describes or suggests retrieving e-mail for each of one or more additional accounts in the manner recited by dependent claim 5. The paragraphs in Cohen relied upon by the Examiner in rejecting dependent claim 5 make general references to sending e-mail, but none

of the paragraphs relied upon by the Examiner describes or suggests retrieving e-mail for each of one or more additional accounts in the manner recited by dependent claim 5. See Cohen at paragraphs [0136], [0147], [0192], [0274], [0277], [0284], [0295], [0298], [0348], [0350], and [0465]. At column 5, lines 1-67, Fung describes a process by which a central Web site enables a user to select and subsequently register for one or more other Web sites that the user wishes to join. See Fung at column 5, lines 1-67. Much like the string of paragraphs from Cohen relied upon by the Examiner, the passage from Fung relied upon by the Examiner makes general references to sending e-mail, but it does not describe or suggest retrieving e-mail for each of one or more additional accounts in the manner recited by dependent claim 5. See, e.g., Fung at col. 5, lines 9-12 and col. 5, lines 56-62.

Like dependent claim 5, dependent claims 6-9 recite that enabling the transfer of electronic data comprises sending e-mail, downloading one or more files, retrieving messages posted on a message board, and posting messages to a message board, respectively. However, as with dependent claim 5, none of Cohen, Fung, or any proper combination of Cohen and Fung describes or suggests sending e-mail, downloading one or more files, retrieving messages posted on a message board, or posting messages to a message board for each of one or more additional accounts in the manner recited in dependent claims 6-9.

Accordingly, for at least these additional reasons, appellants request that the rejection of dependent claims 5-9 be reversed.

C. Conclusion

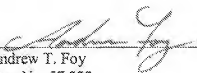
For the reasons discussed above, appellants request that the rejection of claims 1, 2, 5-22, 24-28, and 30-41 be reversed. The fee in the amount of \$620 in payment of the Appeal Brief fee (\$500) and the Petition for Extension of Time fee (\$120) is being paid concurrently herewith on the Electronic Filing System (EFS) by Deposit Account Authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

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Respectfully submitted,

Date: July 18, 2007



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Appendix of Claims

1. (Previously presented) A method of accessing electronic data from a communications system, the method comprising:

establishing a connection between a client system and a host system using a first account of a user, the first account of the user being maintained by the host system;

determining if one or more additional accounts maintained by the host system are associated with the user;

initiating a first communication session between the client system and the host system over the connection, the first communication session being associated with the first account of the user;

based on a determination that one or more additional accounts maintained by the host system are associated with the user, automatically initiating, over the same connection between the client system and the host system, one or more additional communication sessions between the client system and the host system, the one or more additional communication sessions being associated with the one or more additional accounts associated with the user; and

for each of the one or more additional accounts, enabling a transfer of electronic data associated with each of the one or more additional accounts to a corresponding designated destination in response to automatically initiating the one or more additional communication sessions between the client system and the host system.

2. (Original) The method of claim 1 further comprising accessing electronic data associated with the first account of the user.

3. (Cancelled)

4. (Cancelled)

5. (Previously presented) The method of claim 1 wherein enabling the transfer of electronic data comprises retrieving e-mail.

6. (Previously presented) The method of claim 1 wherein enabling the transfer of electronic data comprises sending e-mail.

7. (Previously presented) The method of claim 1 wherein enabling the transfer of electronic data comprises downloading one or more files.

8 (Previously presented) The method of claim 1 wherein enabling the transfer of electronic data comprises retrieving messages posted on a message board.

9. (Previously presented) The method of claim 1 wherein enabling the transfer of electronic data comprises posting messages to a message board.

10. (Previously presented) The method of claim 1 wherein the first account and the one or more additional accounts comprise different screen names.

11. (Original) The method of claim 10 wherein automatically initiating one or more additional communication sessions comprises automatically switching between the different screen names.

12. (Original) The method of claim 1 further comprising setting preferences for initiating the first communication session.

13. (Original) The method of claim 12 wherein setting preferences comprises scheduling a time to initiate the first communication session.

14. (Original) The method of claim 1 further comprising setting preferences for initiating the one or more additional communication sessions.

15. (Original) The method of claim 14 wherein setting preferences comprises scheduling a time to automatically initiate the one or more additional communications session.

16. (Original) The method of claim 1 further comprising setting different preferences for initiating the first communication session and for initiating the one or more additional communication sessions.

17. (Original) The method of claim 1 wherein the first communication session is initiated automatically.

18. (Original) The method of claim 1 further comprising running the first communication session and the one or more additional communication sessions in parallel.

19. (Original) The method of claim 1 wherein the user comprises a single member of an online service.

20. (Original) The method of claim 1 wherein the user comprises multiple members of the online service.

21. (Original) The method of claim 20 wherein the multiple members are related.

22. (Previously presented) A computer program product tangibly embodied in a computer-readable medium, the computer program product including instructions that, when executed, cause a computer to:

establish a connection between a client system and a host system using a first account of a user, the first account of the user being maintained by the host system;

determine if one or more additional accounts maintained by the host system are associated with the user;

initiate a first communication session between the client system and the host system over the connection, the first communication session being associated with the first account of the user;

based on a determination that one or more additional accounts maintained by the host system are associated with the user, automatically initiate, over the same connection between the client system and to the host system, one or more additional communication sessions between the client system and the host system, the one or more additional communication sessions being associated with the one or more additional accounts associated with the user; and

for each of the one or more additional accounts, enable a transfer of electronic data associated with each of the one or more additional accounts to a corresponding designated destination in response to automatically initiating the one or more additional communication sessions between the client system and the host system.

23. (Cancelled)

24. (Previously presented) The computer program product of claim 22 further comprising instructions that, when executed, cause the computer to:
access e-mail data.

25. (Previously presented) The computer program product of claim 22 further comprising instructions that, when executed, cause the computer to:
download one or more files.

26. (Previously presented) The computer program product of claim 22 wherein the first account and the one or more additional accounts comprise different screen names.

27. (Previously presented) A communications apparatus for accessing electronic data from a communications system, the apparatus being configured to:
establish a connection between a client system and a host system using a first account of a user, the first account of the user being maintained by the host system;
determine if one or more additional accounts maintained by the host system are associated with the user;

initiate a first communication session between the client system and the host system over the connection, the first communication session being associated with the first account of the user;

based on a determination that one or more additional accounts maintained by the host system are associated with the user, automatically initiate, over the same connection between the client system and the host system, one or more additional communication sessions between the client system and the host system, the one or more additional communication sessions being associated with the one or more additional accounts associated with the user; and

for each of the one or more additional accounts, enable a transfer of electronic data associated with each of the one or more additional accounts to a designated destination in response to automatically initiating the one or more additional communication sessions between the client system and the host system.

28. (Previously presented) The method of claim 1 wherein automatically initiating comprises automatically initiating, over the same connection to the host system, the one or more additional communication sessions associated with the one or more additional accounts in response to a preference set by the user prior to initiation of the one or more additional communication sessions.

29. (Cancelled)

30. (Previously presented) The method of claim 1 wherein authentication information associated with the one or more additional accounts may be used to enable access to the host system.

31. (Previously presented) The method of claim 1 wherein authentication information associated with each of the one or more additional accounts may be used to enable access to the host system.

32. (Previously presented) The method of claim 1 wherein authentication information associated with the first account and at least one of the one or more additional accounts may be used to enable access to the host system.

33. (Previously presented) The method of claim 1 wherein establishing the connection between a the client system and the host system and initiating a first communication session between the client system and the host system over the connection occur automatically and without user manipulation.

34. (Previously presented) The method of claim 1 wherein automatically initiating, over the same connection between the client system and the host system, one or more additional communication sessions between the client system and the host system, occurs automatically and without user manipulation.

35. (Previously presented) The method of claim 1 further comprising automatically synchronizing data related to the first account or the one or more additional accounts wherein, prior to synchronization, the data related to the first account or the one or more additional accounts was stored on only one of the client system or the host system.

36. (Previously Presented) The method of claim 35 wherein synchronizing data comprises one or more of sending an e-mail message written using the client system when the client system was not connected to the host system, retrieving from the host system an unread e-mail message, posting a message to a newsgroup or message board that was written using the client system when the client system was not connected to the host system, and retrieving from the host system a message to a newsgroup or message board.

37. (Previously Presented) The method of claim 35 wherein automatically synchronizing data related to each of several accounts associated with the user.

38. (Previously presented) The method of claim 1 wherein:

the host system is a network access service provider that provides network access service to enable the user to access systems other than the host system,

the first account corresponds to a first e-mail account of the user provided by the host system, and

one of the one or more additional accounts corresponds to an additional e-mail account provided by the host system.

39. (Previously presented) The method of claim 1 wherein:

the host system is a network access service provider that provides network access service to enable the user to access systems other than the host system,

the first account corresponds to a first screen name for an instant messaging service provided by the host system, and

one of the one or more additional accounts corresponds to an additional screen name for the instant messaging service provided by the host system.

40. (Previously presented) The method of claim 1 wherein:

the host system is a network access service provider that provides network access service to enable the user to access systems other than the host system,

one of the first account or at least one of the one or more additional accounts corresponds to a screen name for an instant messaging service provided by the host system, and

other of the first account or the at least one of the one or more additional accounts correspond to an e-mail account provided by the host system.

41. (Previously presented) The method of claim 1 wherein automatically initiating, over the same connection between the client system and the host system, one or more additional communication sessions between the client system and the host system comprises automatically initiating at least one of the one or more additional communication sessions when the user is not present at the client system.

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Evidence Appendix

None.

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Related Proceedings Appendix

None.